IN THE

Supreme Court of the United States

October Term, 1971
Misc. No. .....

GUY N. STAFFORD,

Petitioner,

vs.

N.A.A. EMPLOYEES FEDERAL CREDIT UNION, J. A. BROWN, H. J. BROWN, V. E. BOVEE,

Respondents.

RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

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Statement of Facts.

Petitioner, having failed to recite the facts leading up to the State litigation, the following summary of facts is necessary. In 1964 Guy A. Stafford and Juanita Stafford (son and daughter-in-law of Petitioner) hereinafter referred to as the Staffords, owned a partial interest in a 35-unit apartment house in Torrance, California. This property (which is the subject of this Petition) was encumbered by a first trust deed to Pioneer Savings and Loan Association in the sum of approximately $240,000.00. In October, 1964 the Staffords obtained a loan from Respondent, N.A.A. Employees Federal Credit Union, hereinafter referred to as N.A.A. in the sum of $54,692.00, secured by a second Trust Deed on the property. Petitioners son was a member of the Credit Union and he applied

for the loan "to buy partners interest in the apartment building. Purchase additional furniture." The note and second trust deed from the Staffords to N.A.A. was recorded November 6, 1964.

The Staffords defaulted in payments on both the first and second trust deeds and N.A.A. commenced foreclosure proceedings in December of 1965. A foreclosure sale was held by the trustee about May 11, 1966 and the property was purchased at such sale by N.A.A. for $62,000.00 which was the approximate balance then due on its note and trust deed. N.A.A. had been making payments on the first trust deed in order to avoid foreclosure on that superior encumbrance. A trustee's deed from the trustee to N.A.A. was dated May 11, 1966 and was recorded, foreclosing the Staffords' interest in the property.

At this point N.A.A. ran afoul of the Petitioner, hereinafter referred to as Stafford, one of the most notorious chronic *pro per* litigants in California jurisprudence. He occupied a small apartment in the property and he refused either to pay the rent of $95.00 per month or to move from the premises. He claimed that his son had verbally agreed to let him live on the premises for the rest of his life rent free. The son never confirmed this. N.A.A. commenced an unlawful detainer action in the Municipal Court in Torrance, California to recover possession of the apartment. Stafford answered *in Pro Per* claiming, among other things, that the foreclosure was illegal and the trustee's deed did not therefore convey good title to N.A.A. This case had a full trial on July 19, 1966 and judgment was in favor of N.A.A., the court holding the trustee's deed of May 11, 1966 to be valid. Stafford appealed this judgment to the Appellate Department of the Superior

Court in Los Angeles and the judgment was affirmed in December 1966 and his petitions for rehearing and for certification to the District Court of Appeal were denied. The judgment is final.

In June 1966 Stafford filed the first of his Superior Court actions, Case No. 886133, involving this property against N.A.A. and others. The complaint was filed *in Pro Per* and sought approximately one million dollars in damages and again claimed that the foreclosure by N.A.A. was invalid. This action resulted in a judgment of dismissal against Stafford. He took no appeal from this judgment, but instead on December 2, 1966, he filed a new case *in Pro Per* in the Los Angeles Superior Court, Case No. 900109, based on similar facts, against the same parties, he then alleged the additional fact that on July 4, 1966 (approximately 2 months after the foreclosure by N.A.A.), his son and daughter-in-law had quit claimed their interest in the property to him and asked, among other things, to quiet his title, plus the damages.

Then, for no apparent reason, while case No. 900109 was still pending on November 6, 1967, Stafford filed the present Case No. 920953 involving substantially the same parties and same subject matter. Subsequently, after the court made an order suspending proceedings in case No. 920953 because of a prior action pending, Stafford dismissed Case No. 900109.

On March 25, 1967, N.A.A. paid off the first trust deed on the property and became the owner free and clear by the recording of a reconveyance. On November 13, 1967 N.A.A. conveyed the property to respondents J. A. Brown, H. J. Brown and V. E. Bovee and took back a note and trust deed for the balance of the purchase price.

Stafford files this Petition for Writ of Certiorari on the ground that he has been denied due process of law. We are not advised what records have been forwarded to the Supreme Court. In view of these circumstances, a chronological list of the many times that he has been afforded hearings in Case No. 920953 would seem to be pertinent to indicate how much due process Stafford has actually received in this case alone.

November 6, 1967—case filed.

January 11, 1968—Stafford's motion for Summary judgment on his quiet title count heard and denied by the Court.

March 26, 1968—Stafford's "Second Notice for Partial Summary Judgment to Quiet Title to Realty" heard and denied by the Court.

April 30, 1968—Stafford's "motion for Summary Determination of Count to Quiet Title of the Involved Real Property" heard and denied by Court.

August 2, 1968—Stafford's "Motion to Vacate and Set Aside Order Denying Motion for Summary Judgment and Then Grant Said Motion" heard and denied by Court.

October 21, 1968—Stafford's "Motion to Strike Defendants Answers and Enter Summary Judgment In Favor of Plaintiff" heard and denied by Court.

November 18, 1968—Stafford's "Motion to Vacate and Set Aside Denial of a Motion Made on October 21, 1968 and Reconsider and Grant Motion" heard and denied by the Court.

December 9, 1968—Stafford's Petition for Writ of Mandate to District Court of Appeal to order Superior

Court to Grant Plaintiff's Motion for Summary Judgment. Denied by the Court without hearing.

April 18, 1969—Stafford's "Motion for Summary Judgment" heard and denied by the Court.

October 17, 1969—Trial of case. Heard by Court and Judgment ordered for defendants.

November 10, 1969—Stafford's "Motion to Vacate and Set Aside Order and to open case for Further Proceedings." Heard and denied by the Court.

November 21, 1969—Appeal by Stafford to District Court of Appeal.

November 19, 1970—Argument before District Court of Appeal.

February 3, 1971—District Court of Appeal hands down lengthy written opinion which is attached to the Petition herein and affirms the judgment of the trial court.

Then follows the various petitions for hearings and rehearing in the District Court of Appeal and California Supreme Court set forth on page 7, lines 10 to 27 of the Petition herein.

ARGUMENT.

I.

Petitioner Has Not Been Denied Due Process.

It is evident from the chronological listing of the legal proceedings between the parties that Stafford has had, and has taken advantage of, much more opportunity to be heard and to present his views than any dictates of justice and fair play could possibly demand. In each instance the court has held against him. And in every case he has complained that the Court has acted "inadvertently" and refused to listen to him, or *acted* "without jurisdiction", and that the decisions against him were a "nullity". All he has said, and is in fact saying in this Petition, is that the various State Courts have disagreed with him and that, in his opinion the Courts were in error in so doing.

In *Tracy v. Ginzburg,* 205 U.S. 170, 27 S. Ct. 461 this Court held that the decision of a State Court involving nothing more than the ownership of property, with all parties in interest before it, cannot be regarded by the unsuccessful party as a deprivation of property without due process of law simply because its effect is to deny his claim of ownership in such property.

Even if it can be shown that the State Courts committed error, which of course is not conceded, this Court has consistently held that errors of a State Court in interpreting and applying the laws of that State furnish no basis for the claim that there has been a denial of the due process of law guaranteed by the 14th amendment of the Federal Constitution. *Howard v. Kentucky,* 200 U.S. 164, 26 S. Ct. 189; *Neblett v. Carpenter,* 305 U.S. 297, 59 S. Ct. 170; *Corrigan v. Buckley,* 271 U.S. 323, 46 S. Ct. 521;

Gryger v. Burke, 334 U.S. 728, 68 S. Ct. 1256, 92 L. Ed. 1683; *Beck v. Washington,* 369 U.S. 541, 82 S. Ct. 955, 8 L. Ed. 98.

Stafford's lament that he was denied the right, or the time, to present his evidence at the trial is completely specious and spurious. Each of his motions for summary judgment were some 20 pages in length in which Stafford propounded all of his claims and views regarding the law and the evidence. They were each heard and decided against him. At the trial he introduced all of the documents which he had alleged in his pleadings and motions except that he deviously left out of the chain of title the trustee's dead on foreclosure to N.A.A. which obviously defeated his claim to title. However, he had himself plead this trustee's deed under oath, *in haec verba* in his motion for summary judgment on March 26. 1968.

In his Petition for Writ of Mandate of December 7, 1968 Stafford states in Paragraph XIX, Page 10:

> "That the evidence produced during a regular trial would be the same as the evidence before Respondent (court) when it considered said motion for summary judgment and denied the same."

Thus he, himself, conceded that he had no evidence other than that which he had repeatedly reiterated in his multitude of motions for summary judgment which consisted solely of a recital of the various conveyances and encumbrances. The District Court of Appeal at page 11 of its decision first points out that Stafford claims to have other evidence "but does not say what" and then states; "There was no legitimate excuse for this material not to have been presented originally." There simply is no other evidence.

II.

Courts Take Judicial Notice of Their Own Records.

Stafford complains that the trial judge did not read the documents he introduced and therefore did not weigh the evidence. However, in his "Motion To Vacate and Set Aside Judgement And Restore Case To Calendar" made in the Superior Court on May 4, 1971 (after the decision on appeal) Stafford, himself, states as follows:

> "That prior to commencement of the trial, the clerk carried the court file of the action into the judge's chambers. That it appears the judge presiding spent considerable time in making an examination of the contents of the file."

Thus, the Court was fully aware of Stafford's legal contentions and was already familiar with the documents involved through an examination of the file of the case. In addition thereto, Stafford and opposing counsel conferred with the judge in chambers before trial. At that time a trial memorandum which described the various documents was presented to the Court and it was conceded that while the legal effect of the documents might be argued, their existence, execution and delivery were not in issue. In addition to Stafford's own sworn allegation of the trustee's deed to N.A.A. in support of his motion for summary judgment, a copy of the deed was attached to a declaration of Ben H. Rudnick in opposition to the motion for summary judgment of April 30, 1968. Both of these sworn declarations alleged the due recordation of the trustee's deed in the official records of Los Angeles County. It is submitted that these declarations constitute a judicial admission of that document and its contents and no further proof

thereof need be made. *Walker v. Dorn* (1966) 240 Cal. App. 2d 218, 49 Cal. Rptr. 362; Witkin, California Evidence, 2nd Edition, page 472, Sec. 501.

It is also universally held that a Court may take judicial notice of the contents of its own files, and especially of the file of the case before it. *Kelly v. Johnston* (CCA 1940) 111 F. 2d 613, certiorari denied 61 S. Ct. 710, 312 U.S. 691, 85 L. Ed. 1127, rehearing denied 61 S. Ct. 803, 312 U.S. 715, 85 L. Ed. 1145; *United States v. California Cooperative Canneries* (1929) 279 U.S. 553, 49 S. Ct. 423, 73 L. Ed. 838; *Savage v. U. S. District Court for Southern District of California, Central Division* (CCA 1944) 144 F. 2d 575. See also cases cited in the District Court of Appeal decision in this case.

Stafford's claim that the Court has failed to advise him of the basis of its decisions is a pure fabrication. In the other cases concerning this property and in the many motions for summary judgments in this case, he has repeatedly been advised by the Court that his deed of July 4, 1966 was simply without effect because his grantor's interest in the property had been foreclosed and terminated by the trustee's sale and deed of May 11, 1966. This is a simple, direct and understandable fact to which Stafford has apparently created a mental block in order to pursue his utterly unnecessary and vexations litigation.

All of his claims of invalidity of various documents on legal technicalities have repeatedly been refuted by his opposing parties and passed upon by the Courts at both the trial and appellate level and will not be repeated here unless Writ of Certiorari be granted.

Conclusion.

We acknowledge that personal attacks on the opposition are generally repugnant and add no light on the issues. However, we believe that, in this case, a few brief quotations from published opinions of California appellate courts concerning Stafford's penchant for vexatious litigation might be pertinent. In 1954, in the case of *Stafford v. Russell,* 128 Cal. App. 2d 794 p. 796, 276 P.2d 41 at p. 42, the Court stated:

> "This appellant has received the thoughtful and patient consideration of Court after Court over the years. He apparently intends to continue indefinitely this vexatious litigation. The fruitless harrassment of respondent would be a sufficient evil to be condemned, but his conduct has now become a burdensome imposition upon the Courts."

In that case Stafford was fined $100.00 for frivolous appeal, which fine proved to be uncollectible.

In 1955, in the case of *Coburn Oil C. v. Russell,* 136 Cal. App. 2d 165 at p. 167, 288 P.2d 305 at p. 307, the Court stated:

> "Stafford's repeated efforts in the trial court and by his numerous appeals to relitigate issues that have been decided against him so often have been contumacious and inexcusable except on the ground of ignorance (and Stafford is not ignorant), or the existence of an incurable litigation complex and an arrogant assumption of final success. Nevertheless, his persistent assertion of claims that have been carefully considered and held untenable by the courts have rendered him an insufferable nuisance."

In 1958 the Court in *Application of Stafford,* 160 Cal. App. 2d 110, 324 P.2d 967 (hearing denied by Supreme Court) affirmed a judgment of the lower court imposing three successive maximum penalties for contempt of court. The contempts consisted of repeated relitigation of claims to property after an injunction restraining him from so doing.

This respondent has a money judgment against Stafford which is, of course, uncollectible. Many thousands of dollars have been expended for attorney fees in the defense of repetitious and redundent legal proceedings. Stafford rarely files any document less than twenty pages in length and has taken up a great deal of unnecessary time and effort of the courts with the accompanying expense.. Far from being denied due process, Stafford has grossly abused the process of the law but is able to hide behind the cloak of financial irresponsibility. It is respectfully submitted that if some sanction could be devised to have effect upon an 84 year old indigent, such would be proper in this case. But in any event the Writ of Certiorari should be denied.

Respectfully submitted,

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